IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1657 OF 2005

Bharatiya Kamgar Karmachari Mahasangh — Petitioners
vs.
Union of India & ors. — Respondents

Mr.K.P.Anilkumar for the petitioners.

Ms.S.V.Bharucha with Mr.N.D.Sharma for the respondents 1 and 2.

Ms.Visakha Vaswani i/b.M/s.V.V.Juris for the respondent no.3.

Mr.V.S.Parkar i/b.Mr.N.D.Nagle for the respondent no.4.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 21st August, 2006

P.C.

The petitioners have approached this Court for reliefs on the basis that the Code of Discipline applies to the establishment of respondent no.3. The report of the Labour Commissioner would indicate that e company was not agreeable to the Code of Discipline being made applicable to it. The application of the Code of Discipline would require the Unions and the Management to agree to make the Code of Discipline applicable. In the absence of parties agreeing to the applicability, it is not possible for this Court to exercise its extraordinary jurisdiction. It will be open to the petitioner to avail of such remedy in law which they are

entitled to and the dismissal of this petition will not stand in their way.

2. With the aforesaid observation, the petition is dismissed with no order as to costs.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)